

December 6, 2010 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, December 6, 2010 at 6:30 P.M.

Council President Arthur S. Weber, Jr.

Vice Chairman Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Edward J. Silveira, Jr.

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

PLEDGE OF ALLEGIANCE TO THE FLAG

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) Land Acquisition (Fayal Lane/Mitchell's Lane).

On motion of Councillor Cambra, duly seconded, it was voted unanimously to recess open session at 6:31P.M. and reconvene in executive session.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to reconvene in open session at 6:50 P.M.

On motion of Councillor Cambra, duly seconded, it was voted to pursue the land acquisition at Fayal Lane and Mitchell's Lane; All voted NO to said motion; MOTION FAILED TO PASS.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to recess said meeting until 7:00 P.M.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to reconvene said meeting at 7:00 P.M.

PRESENTATIONS

1. Presentation – Clay Jones, Team Leader, RI Hope Region 3, re: A brief synopsis of the program, which was created to provide assistance to RI residents affected by the flooding of March 2010.

Bethany Costa, representing RI Hope, speaking on behalf of Clay Jones, addressed the Council explaining that there are residents in Rhode Island who are in need of assistance from the March 2010 floods. Ms. Costa reviewed the letter entered here:

There will be outreach workers in Middletown to assist residents within the next few months.

Councillor VonVillas requested the Town Administrator add the RI Hope link to the Town's website to assist residents in need.

Councillors Semonelli and Silveira recused themselves from acting on the following item of business, due to a possible conflict of interest.

ACTING AS A BOARD OF LICENSE COMMISSION

2. Application of Atlantic Grille, Inc., dba Atlantic Grille, 91 Aquidneck Avenue, Middletown, for a Retailer's Class BV Alcoholic Beverage License for the 2010-2011 licensing year. (NEW; Requires advertising for public hearing and notice to abutters)

On motion of Council Vice Chairman Long, duly seconded, it was voted unanimously to advertise said license transfer and notify abutters of Public Hearing to be heard at the January 3, 2010 regular meeting of the board.

CONSENT

3. Approval of Minutes – Regular Meeting, November 1, 2010.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to approve said minutes.

4. Approval of Minutes – Special Meeting, November 14, 2010.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to approve said minutes.

5. Approval of Minutes – Regular Meeting, November 15, 2010.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to approve said minutes.

6. Email communication of Town Clerk, Town of Burrillville, re: Requesting support of resolution supporting extended producer responsibility for handling post-consumer waste.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to receive said email communication and resolution.

7. Communication of Attorney Robert T. Karns, with enclosures, re: Notice of Injured Person.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to receive said communication.

8. Communication of Frank J. Champi, CPA, Principal, Lefkowitz, Garfinkel, Champi & DeRienzo P.C., with enclosures, re: Audit Information.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to receive said communication.

9. Application for Special Event Permit from Mary Passman for the Leslie Roberts Wedding Ceremony to be held on Saturday, August 27, 2011 at Dunlap-Wheeler Park from 6:30 pm until 7:00 pm.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to grant said Special Event Permit.

10. Application for Special Event Permit from Erica Nadworny for a Wedding Ceremony to be held on Saturday, September 3, 2011 at Dunlap-Wheeler Park from 3:00 pm until 8:00 pm.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to grant said Special Event Permit.

PUBLIC HEARING

11. Public Hearing (Advertised)

Application of 7-Eleven, Inc., dba 7-Eleven #26211J, 939 West Main Road, for RENEWAL of Victualling House License – Additional Hours of Operation – for the 2010-2011 licensing year.

Said application was withdrawn by applicant.

ORDINANCES

12. Memorandum of Town Administrator, with enclosure, re: Amendment of Fee for Temporary Signs.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to receive said memorandum.

13. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administrator, Chapter 36, Fee Schedule, Section 38 Construction Permit Fees.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

COMMUNICATION OF TOWN COUNCIL

14. Memorandum of Councillor Silveira, re: Preparation of a Proclamation for Sgt. Michael F. Paranzino and a request to the War Memorial Committee to consider a site to affix his name in honorarium of service.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Silveira reviewed his memorandum entered here:

On motion of Councillor Silveira, duly seconded, it was voted unanimously to prepare a proclamation declaring November 5th in Middletown officially as Sgt. Michael F. Paranzino Day in the Town and forward a request to the War Memorial Committee to consider and recommend a site within the Town, to affix his name in honorarium of service.

COMMUNICATIONS OF TOWN ADMINISTRATOR

15. Communication of Sewer Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.

16. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.

17. Memorandum of Town Administrator, with enclosures, re: FY2010 Budget Adjustments as of June 30, 2010.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

18. Resolution of the Council, re: FY2010 – General Fund.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.

19. Resolution of the Council, re: FY2010 – School Department.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.

20. Resolution of the Council, re: FY2010 – Parks and Recreation Fund.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.

21. Resolution of the Council, re: FY2010 – Sewer Fund.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.

22. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Commodore Perry Village & Forest Avenue CCTV.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.

23. Resolution of the Council, re: Award of Contract – Commodore Perry Village & Forest Avenue CCTV.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to pass said resolution.

24. Memorandum of Town Administrator, with enclosures, re: Award

of Contract – Town Hall Building Management System Installation and Controls & Condensing Units Replacement.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.

25. Resolution of the Council, re: Award of Contract – Town Hall Building Management System Installation and Controls & Condensing Units Replacement.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to pass said resolution.

26. Memorandum of Town Administrator, Town Clerk and NEARI President, re: Holiday Donation – request for Matching Funds.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum and authorize \$500. to be allocated from the Council President Discretionary fund.

BOARDS AND COMMITTEES

Council President Weber recused himself from acting on the following item of business, due to a possible conflict of interest.

Vice President Long Presiding

27. Appointment of one (1) member to the Juvenile Hearing Board to complete a term expiring April 2012.

Councillor Semonelli nominated Henry “Rick” Lombardi to serve on said board, duly seconded, and

Councillor Viveiros nominated Mary Budlong Ulrich to serve of said board, duly seconded.

At vote was taken; Vice Chairman Long, and Councillors Cambra, Semonelli, Silveira and VonVillas voted YES; Councillor Viveiros voted NO to said motion. Henry “Rick” Lombardi is appointed to said board to complete a term expiring April 2012.

28. Appointment of three (3) members to the Open Space and Fields Committee; two (2) terms expiring November 2013 and one (1) term expiring November 2012.

On motion of Vice Chairman Long, duly seconded, it was voted unanimously to reappoint Mason Hawes for a term expiring November 2013, reappoint John Pinto for a term expiring November 2013 and appoint Maryalice Huggins for term expiring November 2012.

29. Appointment of one (1) member to the Middletown Tree Commission to complete a term expiring January 2013.

Councillor Viveiros nominated Mary Alice Huggins to serve on said board, duly seconded, and

Councillor Semonelli nominated William DiMarco to serve on said board, duly seconded.

A vote was taken to appoint Maryalice Huggins; Councillors Silveira and Viveiros voted YES; Council President Weber, Vice Chairman Long and Councillors Cambra, Semonelli and VonVillas voted NO to said motion; MOTION FAILED TO PASS.

A vote was taken to appoint William DiMarco; Council President Weber, Vice Chairman Long and Councillors Cambra, Semonelli and

VonVillas voted YES; Councillors Silveira and VonVillas voted NO to said motion. William DiMarco was appointed to complete a term expiring January 2013.

30. Adoption of Rules of the Council.

On motion Councillor Silveira, duly seconded, it was voted unanimously to receive said rules.

Vice Chairman Long suggests an amendment to rule #8, to include that if a Council member recuses, he or she should step down from the dais.

Council President Weber agreed that after recusing, Council should step down from the dais.

Councillor Silveira noted his disagreement explaining that it should be up to the individual to step down and not be in the rules.

Councillor VonVillas noted the need to compromise if the discussion is moving along rapidly than the Councillor may stay at the dais.

Councillor Viveiros noted the need for guidelines, however; believes it is the decision of the Councillor.

On motion of Vice Chairman Long, duly seconded, it was voted to amend rule #8 by removing one set of “in which” on the last line and adding at the end of the last sentence “said member shall step down from the Council dais until said item is finished”; Councillors Semonelli and Silveira voted NO to said motion.

On motion of Council President Weber, duly seconded, it was voted unanimously to replace the word “Chairperson” in rule #5 to “President.

Council President Weber suggested to move item #23, the public forum, to the beginning to the meeting noting that moving the public forum to the beginning of the meeting creates a user friendly Council.

On motion of Council President Weber, duly seconded, it was voted unanimously to amend rule #23 by changing the word “end” in the first sentence to “beginning”.

On motion of Vice Chairman Long, duly seconded it was voted to adopt the Council Rules, as amended; Councillor Silveira voted NO to said motion.

31. Appointment of Town Council representatives to various boards and commissions.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to appoint, as follows:

Councillor VonVillas as Council liaison to the Aquidneck Island Planning Commission,

Council President Weber, Vice President Long and Councillor VonVillas to the Audit Committee,

Council President Weber as liaison to the Citizens Memorial Committee,

Councillors Viveiros and VonVillas as liaisons to the Comprehensive Plan, Update Committee,

Council President Weber and Councillor Semonelli as liaisons to the Economic Development Advisory Committee,

Councillor VonVillas as liaison to the Library Board of Trustees,

Councillor Cambra as liaison to the Middletown Committee on the Arts,

Councillor Silveira as liaison to the Newport County Convention & Visitors Bureau,

Vice President Long as liaison to the Open Space and Fields Committee,

Councillor Viveiros as liaison to the Pension Trust Fund Investment Committee,

Councillor Viveiros as liaison to the Roads and Utilities Advisory Committee,

Councillor Viveiros as liaison to the School Budget Subcommittee,

Council President Weber, Vice President Long and Councillor Semonelli to the Special Assessment Review Subcommittee,

Councillor Silveira as liaison to the Substance Abuse Task Force,

Councillor VonVillas as liaison to the West Side Master Plan, and

Council President Weber and Councillor VonVillas as liaisons to the

Wind Turbine Committee.

32. Memorandum of Council President Weber, re: Nomination selection of a Substitute Solicitor for Conflict Matters.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to appoint J. Russell Jackson as a Substitute Solicitor for Conflict Matters.

33. Memorandum of Town Clerk, re: Appointment of Alternate Municipal Court Judge and Alternate Probate Judge.

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Michael W. Miller as alternate Municipal Court Judge and Peter B. Regan as alternate Probate Judge.

34. Memorandum of Councillor Cambra, re: Discussion of the Middletown Committee for the Arts.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to continue this matter to the December 20, 2010 regular meeting of the Council.

35. Memorandum of Councillor Silveira, re: Formation of Charter Review Commission.

Councillor Silveira read the memorandum entered here:

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Viveiros noted that he believes the Charter Review

Commission must be elected and all proposals must be voted on by the electorate.

Councillor VonVillas noted that she was an appointed member to the last Charter Commission.

Town Solicitor Michael W. Miller explained that past commissions were all appointed by Councils. Mr. Miller reviewed the process to appoint a commission and noted a Supreme Court decision which showed that the Town did follow the correct process appointing a Charter Review Board. The Council is the one to make the decisions on which amendments will be voted on by the electorate. Mr. Miller did suggest calling the board “Charter Review Advisory Board”.

Councillor Cambra explained that he does not agree with number one and number three within Councillor Silveira’s memorandum. Mr. Cambra also noted he has some suggestions concerning term limits on boards.

On motion of Councillor VonVillas, duly seconded, it was voted to form and advertise for a Charter Review Advisory Board, with further discussion concerning said board at the December 20, 2010 regular meeting of the Council; Councillors Cambra and Viveiros voted NO to said motion.

36. Memorandum of Councillor VonVillas, re: Appointments to Board and Commissions.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Cambra expressed concern that the entire Council is charged to review applications and that another step may hold up the appointment process.

Council President Weber noted the need for a formal appointment

process.

On motion of Councillor VonVillas, duly seconded, it was voted to form a subcommittee made up of three (3) Councillors to review board/committee applications and interview applicants, if necessary; Councillor Cambra voted NO to said motion.

Councillor Silveira nominated Councillor VonVillas to said subcommittee, duly seconded,

Councillor Silveira nominated Council President Weber to said subcommittee, duly seconded, and

Councillor VonVillas nominated Councillor Silveira to said subcommittee, duly seconded.

A vote was taken; Council President Weber, Vice President Long and Councillors Semonelli, Silveira, Viveiros and VonVillas voted YES; Councillor Cambra voted NO to said motion; Council President Weber and Councillors Silveira and VonVillas were appointed to the subcommittee to review board/committee applications and interview applicants, if necessary.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to adjourn this meeting at 8:45 P.M.

Wendy J. W.

Marshall, CMC

Council Clerk

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